

REMARKS

Claims 1-23 are pending. Claims 18, 19, 21 and 22 are currently amended. No new matter is introduced.

Rejections Not Based on Cited Art

The Examiner rejected claims 18-21 under 35 U.S.C. Section 101 as allegedly directed to non-statutory subject matter. While the Examiner's rejections are respectfully traversed, to expedite prosecution claims 18, 19 and 21 have been amended and the amendments are believed to obviate the Examiner's concerns. In particular, it is noted that both before and after amendment, the claims were consistent with the examples presented Interim Patent Subject Matter Eligibility Examination Instructions (the "Interim Instructions") issued by the Patent Office, which set forth example formats for claiming. The Interim Instructions contrast five hypothetical computer-related claims, claims 2-6. Hypothetical claims 4 and 6 are not statutory, but hypothetical claims 2, 3 and 5 are statutory. The difference between non-statutory hypothetical claims on the one hand and the statutory hypothetical claims on the other hand is that the statutory claims recite a machine in connection with a part of the claimed embodiment of the hypothetical claim that is more than mere insignificant extra-solution activity. The difference is not whether the claims happen to use the word "code," or whether an embodiment might involve the execution of software. Both before and after amendment, independent claim 18 recited "said processor being configured to ... cause the network component to [all] of the elements of the claim]." Thus, both before and after amendment a particular machine was configured to perform all of the recited functionality, at least one of which is therefore not mere "extra-solution" activity. Accordingly, the Examiner is respectfully requested to withdraw this basis for rejection.

Rejections Based on Cited Art

The Examiner rejected claims 1, 3-8, 10-20 and 22 under 35 USC Section 103(a) as allegedly obvious over U.S. Patent Publication No. 2004/0264397 by Benveniste in view of U.S. Patent No. 7,264,691 by Rogers. The Examiner rejected claims 2, 9, 21 and 23 under 35 USC Section 103(a) as allegedly obvious over Benveniste in view of Rogers and U.S. Patent

Publication No. 2003/0126244 by Smith, et al. The Examiner's rejections are respectfully traversed.

Independent claim 1 recites, “[a] method to determine in a network component when to provide service to client devices operating in power-saving mode in a wireless network, said method comprising: receiving requests for service from respective ones of said client devices, the received requests for service including a request for scheduled service received from a first one of the client devices and a request for unscheduled service received from a second one of the client devices, said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value …” The Examiner concedes that Benveniste does not disclose the recited “said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner points to Column 10, lines 35-43 of Rogers. The cited portion of Rogers instead refers to identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. Further, Rogers appears to be completely unrelated to devices operating in a power-saving mode. The Examiner does not argue that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 1 obvious at least because the references do not disclose “said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value,” as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of

Benveniste, Rogers and Smith to be obvious. Claims 2-7 are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 8 recites, “said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said device being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner concedes this functionality is not disclosed by Benveniste. The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. Further, Rogers appears to be completely unrelated to devices operating in a power-saving mode. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 8 obvious at least because the references do not disclose “said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said device being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value,” as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claims 9-17 are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 18, both before and after amendment, recites, “review said requests for service, the requests for service including requests for scheduled service and requests for unscheduled service, said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner concedes Benveniste does not disclose “said network component being informed of

said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 18 obvious at least because the references do not disclose “said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value,” as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claims 19-21 are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 22, as amended, recites, “become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner concedes Benveniste does not disclose “become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value.” The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or

a request for unscheduled service. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 22 obvious at least because the references do not disclose "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value," as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claim 23 is allowable at least by virtue of its dependency, as well as because of the novel and non-obvious combination claimed therein.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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